

Congress of the United States
Washington, DC 20515

April 24, 2019

Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Mail Code 1101A
Washington, D.C. 20460

Dear Administrator Wheeler,

Congratulations on your recent confirmation. We appreciate your leadership of the Environmental Protection Agency and particularly your efforts to make the Agency's permitting process more efficient, to provide more certainty and predictability to states, and to revise regulations that are counterproductive and harmful to Utah, including the 2015 Waters of the U.S. rule. We also appreciate your collaboration with Utah to improve ozone levels in the Uinta Basin.

We hope to experience that same level of cooperation with you in resolving the aftermath of the EPA's 2015 Gold King Mine spill. As you are aware, on August 15, 2015, the EPA and its contractors caused the spill of over 3 million gallons of toxic waste into the Animus River and ultimately into rivers in Colorado, Utah, New Mexico, and the Navajo Nation.

Although the EPA immediately accepted responsibility and designated the Bonita Peak Mining District as a Superfund site, the agency has unfortunately done no remediation outside of the district, including in Utah, where the EPA estimates the contamination will ultimately be deposited. The EPA's own estimates from similar contamination sites suggest the damages could be more than \$2 billion.

The failure to begin fixing a problem for which the agency itself has acknowledged responsibility is unfortunate. After two years of settlement discussions, the State of Utah in 2017 sued to preserve its legal rights and that lawsuit was consolidated with similar suits by New Mexico, the Navajo Nation, and other plaintiffs and transferred to the U.S. Federal District Court in New Mexico. Last month the court denied EPA's motion to dismiss, citing Utah's demonstration that the agency hasn't commenced or planned any remedial action in Utah.

Given the court's decision and the nearly four years that have elapsed since the spill, we think it is appropriate to renew settlement discussions. We strongly encourage you to work with the

Department of Justice and the state of Utah to quickly agree on settlement terms. Continuing to litigate the case will waste time and taxpayer money and postpone the critical rehabilitation of Utah's natural resources.

Thank you for your attention.

Sincerely,

A blue ink handwritten signature, appearing to read "Rob Bishop", written over a horizontal line.

Rob Bishop
Member of Congress

A blue ink handwritten signature, appearing to read "Chris Stewart", written over a horizontal line.

Chris Stewart
Member of Congress

A blue ink handwritten signature, appearing to read "John Curtis", written over a horizontal line.

John Curtis
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY - 8 2019

OFFICE OF
CONGRESSIONAL AND
INTERGOVERNMENTAL
RELATIONS

The Honorable Rob Bishop
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Bishop:

Thank you for your April 24, 2019, letter to the U.S. Environmental Protection Agency, requesting cooperation with resolving issues in the aftermath of the EPA's 2015 Gold King Mine Spill.

As you know, this matter is currently in litigation. It is longstanding policy that the EPA and the Department of Justice do not comment on ongoing litigation.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Lyons", is written over the typed name and title.

Troy M. Lyons
Associate Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY - 8 2019

OFFICE OF
CONGRESSIONAL AND
INTERGOVERNMENTAL
RELATIONS

The Honorable John Curtis
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Curtis:

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Sincerely,

A handwritten signature in black ink, appearing to read "Troy Lyons", is written over the typed name and title.

Troy M. Lyons
Associate Administrator



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WASHINGTON, D.C. 20460

MAY - 8 2019

OFFICE OF
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The Honorable Chris Stewart
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Stewart:

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Sincerely,

A handwritten signature in black ink, appearing to read "Troy M. Lyon", is written over the typed name and title.

Troy M. Lyon
Associate Administrator